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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,970	03/14/2001	Amy M. Manetta	2000P09097US01	3927

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,970

Applicant(s)

MANETTA, AMY M.

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/14/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive the RCE, filed 06/17/05.

Claims 1-2, 4-13, and 15-22 are pending in this application. In the communication, claims 1 and 12 are independent claims, claims 1, 4, 7-10, 12, 15, and 17-21 are amended, and claims 3 and 14 are cancelled. This action is made non-final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Reuss et al. (U.S. Patent No. 6,406,426 B1).

As to claim 1, Reuss teaches an Internet compatible system for displaying medical information (Reuss clearly shows ventilating and other medical information/status can be controlled/retrieved from different communication devices which are capable of sending and getting the priority communicating data throughout the wire area network/internet by using wire/wireless connections such as laptops, PDAs, PCs, etc. e.g., col. 4 lines 8-22, col. 9 lines 25-47, and col. 15 lines 15-32) comprising:

a communication network (the output parameters of the therapeutic device communicates with remote access devices such as PDAs, telephones, laptops, etc. over the wire/wireless communication network, e.g., col. 4 lines 8-22, col. 9 lines 25-47, and col. 15 lines 3-10) for acquiring ventilator parameters and settings associated with a patient on a substantially periodic basis and in response to a user command (information including ventilator parameters and settings of the patients can be forwarded to the caregivers over the network, e.g., col. 3 lines 46-60, col. 7 lines 27-43, and the data are periodically sent the remote devices, col. 14 line 64-col. 15 line 5);

a device for prioritizing received ventilator parameters and settings for display in a desired order and for allocating an attribute to distinguish changed ventilator parameters (the medical data are forwarded from the Message Server Task to the remote devices based on the priority of a medical alert means that higher priority task will be announced/displayed and later to be solved in order based on its priority, e.g., col. 15 lines 4-8); and

a display generator for initiating generation of data representing a display of prioritized ventilator parameters and settings in the desired order and attributes for distinguishing changed ventilator parameters and settings (e.g., col. 3 lines 46-60, col. 7 lines 27-43, col. 15 lines 4-8).

As to claim 12, it is a method claim of system claim 1. Note the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4-11, 13, and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss et al. (U.S. Patent No. 6,406,426 B1) in view of Shulman et al. (U.S. 2001/0030664 A1).

As to claim 2, Reuss teaches the system to send and received parameters and settings (attribute) as mentioned in claim 1 above; however, Reuss does not show wherein the attribute is a different color. Shulman clearly teaches that color of an icon indicates detailed status information of a network ([0052] of page 5). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to apply the Shulman's color status features in the system of Reuss to provide better visualization for user to determine status information for each element of a network.

As to claim 4, the modified Reuss teaches the system of claim 2 wherein the display generator generates data representing a window for displaying said ordered ventilator parameters and settings in a first window (information including ventilator parameters and settings of the patients can be forwarded to the caregivers over the network, e.g., col. 3 lines 46-60, col. 7 lines 27-43).

As to claim 5, Reuss teach the system of claim 4 wherein the display generator comprises an Internet browser (Reuss clearly shows ventilating and other medical information/status can be controlled/retrieved from different communication devices which are capable of sending and getting the priority communicating data throughout the wire area network/internet by using wire/wireless connections such as laptops, PDAs, PCs, etc. e.g., col. 4 lines 8-22, col. 9 lines 25-47, and col. 15 lines 15-32).

As to claim 6, this can be rejected as a similar rationale as claim 2 above.

As to claims 7-8, Reuss teaches the system of claim 2 wherein the device, in response to the user command, acquires a new set of ventilator parameters and settings (after solving the problems remotely, the system will be updated with new data, or the data can be request from the caregivers, e.g., col. 15 lines 1-15, and col. 16 lines 45-65).

As to claim 9, Reuss teaches the system of claim 8 wherein the second user command comprising selection of a filtered list (the data can be shown as waveforms, e.g., col. 17 lines 6-14).

As to claim 10, Reuss teaches the system of claim 8 wherein the second user command comprises creation of a set of values for selected parameters and settings (information including ventilator parameters and settings of the patients can be forwarded to the caregivers over the network, e.g., col. 3 lines 46-60, col. 7 lines 27-43, and the data are periodically sent the remote devices, col. 14 line 64-col. 15 line 5).

As to claim 11, Reuss teaches the system of claim 4 wherein said menu generator comprises a user selection for selecting any one of the plurality of sources (e.g., col. 3 lines 46-60).

As to claims 13, and 15-22, they are method claims of system claims 2, and 4-11. Note the rejections of claims 2, and 4-11 above respectively.

Response to Arguments

5. Applicant's arguments filed in the communication have been fully considered but they are not persuasive.

Applicants have argued and Examiner does not agree with the following reasons:

Reuss does not teach or suggest an Internet compatible system for displaying medical information derived from a plurality of sources.

Reuss clearly teaches the therapy status data from the therapeutic devices such as an intravenous infusions pump (IV Pump), ventilator support device (ventilator), hemodialysis machine, or patient warning/cooling system, can be regularly communicated to the patient monitor through a communications port which can be linked to a wireless communication segment, an RS-232 serial connection, or other hardwired or wireless network connection to the remote devices of the caregivers (col. 3 lines 46-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

09/05/05

BA HUYNH
PRIMARY EXAMINER